

RESOLUTION NO. 75130

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE DIRECTOR OF ENVIRONMENTAL SERVICES TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT WITH ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. FOR NEW CONSTRUCTION OF VARIOUS EQUIPMENT, FY 2008-2009 (SAN JOSE/SANTA CLARA WATER POLLUTION CONTROL PLANT)

WHEREAS, on April 21, 2009, the City of San José ("City") and Anderson Pacific Engineering Construction, Inc. ("Contractor") entered into an agreement entitled "City of San José California Contract for San José/Santa Clara Water Pollution Control Plant, New Construction of Various Equipment, FY 2008/2009" ("Agreement"); and

WHEREAS, City and Contractor desire to amend the Agreement to change the contract term from a one-year term with the option of two additional one-year terms to a two-year contract term, and to modify the compensation to enable the payment of the total contract amount of up to \$1,450,930.00 over a two-year term instead of paying the total contract amount over a one-year term with two optional one-year terms;

WHEREAS, the City desires to execute a First Amendment to the Agreement to make these modifications;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Director of Environmental Services is hereby authorized to execute a First Amendment to the Agreement with Anderson Pacific Engineering Construction, Inc. for New Construction of Various Equipment, FY 2008-2009 to:

1. Change the contract term from a one-year term with the option of two additional one-year terms to a two-year contract term.
2. Modify the compensation to enable the payment of the total contract amount up to \$1,450,930.00 over a two-year term instead of paying the total contract amount over a one-year term with two optional one-year terms.

ADOPTED this 20th day of October, 2009, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA,
KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk